

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DEBRA A. KINDLE, )  
Plaintiff              )  
v.                      )                          No. 3:04-cv-477  
JO ANNE B. BARNHART, )  
Commissioner of        )  
Social Security,        )  
Defendant              )

**MEMORANDUM AND ORDER**

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for summary judgment [Court File #12] and defendant's motion for summary judgment [Court File #20]. In a report and recommendation dated February 15, 2006, the United States magistrate judge recommended that plaintiff's motion be denied and defendant's motion be granted. Plaintiff has failed to timely file an objection to the report and recommendation and is deemed to have waived any response thereto.

Upon a *de novo* review of the record in this case and the magistrate judge's report and recommendation, I am in agreement with the United States magistrate judge. Specifically, there is substantial evidence in the record to support the administrative law judge's conclusion that plaintiff could perform a significant number of jobs in the national economy.

In light of the foregoing, it is hereby ORDERED that the magistrate judge's report and recommendation [Court File #22] is ACCEPTED IN WHOLE whereby plaintiff's motion for summary judgment [Court File #12] is DENIED; defendant's motion for summary judgment [Court File #20] is GRANTED; and this action is DISMISSED.

**E N T E R :**

s/ James H. Jarvis

UNITED STATES DISTRICT JUDGE